

RESOLUTION NO. _____

**RESOLUTION GRANTING APPROVAL
OF A CONDITIONAL USE PERMIT
AND VARIANCES FOR A
CLUSTER HOME DEVELOPMENT
AT
2517 – 76TH STREET WEST**

WHEREAS, an application has been filed with the City of Richfield which requests approval of conditional use permit for a cluster home development on the parcel of land located at 2517 – 76th Street West (the “Property”), legally described in the attached Exhibit A; and

WHEREAS, the proposed conditional use permit includes a building that covers 39.4 percent of the lot;

WHEREAS, the City Codes allows a maximum building coverage of 35 percent for cluster home developments in the Single-Family District;

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause “practical difficulty” to the owners of the property under consideration; and

WHEREAS, based on the findings below, the Richfield City Council approves the requested variance from Richfield City Code Subsection 514.11, Subd. 2; and

WHEREAS, the City has fully considered the request for approval for the conditional use permit; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council makes the following general findings:
 - a. The Property is zoned Single-Family Residential.
 - b. Cluster home developments are conditionally permitted in the Single-Family Residential District.
 - c. The proposed site plan will fully comply with all but one Code requirement.
 - d. Code states that the maximum building coverage permitted is 35 percent of the site. The proposed structure will cover 39.4 percent of the lot. A variance from Subsection 514.11, Subd. 2 is required.
2. With respect to the application for a variance from the above-listed requirement, the City Council makes the following findings:
 - a. Strict enforcement of Richfield Zoning Code Subsection 514.11, Subd. 2 would cause a practical difficulty. The residential product that is proposed, single-level living, is in high demand and is largely unavailable in the community. In order to provide adequately-sized units, in a single-living format, that also meets the City’s density requirements, this development needs to cover more space than is generally permitted. Considering that one of the City’s goals is to provide a

variety of housing products, it is reasonable to consider an exception to make that possible.

- b. Unique circumstances affect the Property that were not created by the land owner. Rules regulating cluster homes developments were development were adopted in 1996; however, they have only been tested once. Such a small sample size makes it difficult for City staff to gauge whether or not the rules are reasonable and appropriate. These circumstances were not created by the applicant. The proposed development does not overwhelm the site.
 - c. Granting the requested variances will not alter the essential character of the neighborhood. The requested variance is relatively small and will not alter the character of the neighborhood. .
 - d. The variances requested are the minimum necessary to alleviate the practical difficulty. The proposed variance is the minimum necessary to allow construction of the proposed single-level living units. A reduction of the square footage would reduce the marketability/viability of the units.
 - e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. The proposed variance will allow construction of the type of housing envisioned for this site by both the zoning ordinance and the comprehensive plan.
3. With respect to the proposed conditional use permit, the City Council makes the following findings:
- a. The proposed development is consistent with the Medium Density guiding of the property in the comprehensive plan.
 - b. The proposed use of the site for a cluster home development is consistent with the purposes of the Zoning Code and the Single-Family Residential District.
 - c. The proposed use will be in compliance with Code guidelines related to performance standards.
 - d. Undue adverse impacts to government services or public safety, health and welfare are not anticipated.
 - e. There is a public need for such a use at the proposed location. The City has been working for a number of years to develop medium-density housing on this site.
4. Based upon the above findings, a variance is hereby approved to permit a maximum building coverage of 39.4 percent.
5. Based upon the above findings and variance, the proposed conditional use permit is hereby approved according to the terms of Richfield City Code Subsection 547.09, Subdivision 6, with the following additional stipulations:
- a) The property must be platted and the plat recorded, prior to the issuance of a certificate of occupancy unless otherwise agreed to by the Community Development Director.
 - b) The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated May 29, 2015, and compliance with all other City and State regulations. Permits are required prior to commencement of any work;
 - c) That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 546.05, Subd. 7. Proof of recording is required prior to the issuance of a building permit;

- d) Prior to the issuance of an occupancy permit, the applicant shall submit a surety equal to 125% of the value of any improvements (based on two bids including labor cost) not yet complete.
- 6. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 9.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of July 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

EXHIBIT A

That part of the East 3/4 of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section Thirty-two (32), Township Twenty-eight (28), Range Twenty-four (24), described as commencing at the northwest corner of said East 3/4 of the SE 1/4 of the SE 1/4; thence East along the North line of said SE 1/4 of the SE 1/4 170 feet; thence South parallel with the West line of said East 3/4 of SE 1/4 of the SE 1/4 258 feet; thence West parallel with the North line of said SE 1/4 of the SE 1/4 170 feet to the West line of said East 3/4 of the SE 1/4 of the SE 1/4; thence North along said West line of East 3/4 of the SE 1/4 of the SE 1/4 to the point of beginning, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

RESOLUTION NO.

**RESOLUTION GRANTING PRELIMINARY APPROVAL
OF A PLAT FOR
SHERIDAN VILLAS ADDITION**

WHEREAS, Greater Metropolitan Housing Corporation ("Applicant") has requested preliminary approval to subdivide land located at 2517 – 76th Street West; and

WHEREAS, the Richfield Housing and Redevelopment Authority is the fee owner of the land and has consented to this application; and

WHEREAS, the proposed subdivision is to be known as SHERIDAN VILLAS ADDITION; and

WHEREAS, a public hearing was held on the proposed preliminary plat of SHERIDAN VILLAS ADDITION on Tuesday, July 14, 2015 at which all interested persons were given the opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, as follows:

1. The proposed preliminary plat of SHERIDAN VILLAS ADDITION satisfies the requirements of the City's subdivision ordinances.
2. Approval of the preliminary plat of SHERIDAN VILLAS ADDITION is granted with the following conditions:
 - a. The applicant must address to the City Attorney's satisfaction all items listed in the plat opinion letter prepared by the City Attorney's office.
 - b. The Applicant must apply for final approval once construction of improvements has been completed or construction of said improvements has been secured by contract and bond.
 - c. The Applicant must submit a completed application for final plat within one year of preliminary plat approval.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of July, 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

That part of the East 3/4 of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section Thirty-two (32), Township Twenty-eight (28), Range Twenty-four (24), described as commencing at the northwest corner of said East 3/4 of the SE 1/4 of the SE 1/4; thence East along the North line of said SE 1/4 of the SE 1/4 170 feet; thence South parallel with the West line of said East 3/4 of SE 1/4 of the SE 1/4 258 feet; thence West parallel with the North line of said SE 1/4 of the SE 1/4 170 feet to the West line of said East 3/4 of the SE 1/4 of the SE 1/4; thence North along said West line of East 3/4 of the SE 1/4 of the SE 1/4 to the point of beginning, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

Code Requirements / Required Findings

Part 1 – Cluster home developments in the Single-Family (R) District:

Permitted provided that the following conditions are met (514.07, Subd. 3).

1. *The design of the development must be compatible with the surrounding neighborhood in terms of building materials, architectural design, scale and mass of the structure, or other similar urban design characteristics.* The roof pitch, building materials, front porches, landscaping, building height and setbacks have been chosen/designed so as to compliment the single-family homes across the street.
2. *Landscaping must be provided in accordance with the Performance Standards.* The applicant has provided a plan that exceeds requirements.
3. *Two off-street parking spaces, at least one of which must be enclosed in a garage, shall be provided for each dwelling unit.* Each dwelling includes a two-car garage.
4. *There must be a minimum of 500 square feet of outdoor open space provided on the lot per dwelling unit.* There is over 1,800 square feet of open space behind each unit.
5. *The number and location of driveways and curb cuts shall minimize conflict with vehicular traffic and should not adversely impact adjacent land uses.* The proposed development will have one more driveway/curb cut facing Sheridan Avenue than a stand-alone single-family development (50-foot lots) of four homes would likely have. The Public Works Department has reviewed the proposal and has not indicated any concern. No adverse impacts are anticipated.
6. *The density of the development may not exceed the density recommended in the comprehensive plan.* The comprehensive plan calls for densities of 7-10 dwelling units per acre (du/acre) in this District. The proposal has a density of 7 du/acre.

Part 2 – Conditional Use Permit: The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* This property is guided for Medium Density Residential development. This guiding district is intended to provide areas for townhome and/or condominium-type development of attached single-family housing. The proposal provides this type of housing.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. One of the purposes of the Single-Family Residential District is to provide opportunities for cluster housing development. Additional purposes

include minimization of traffic congestion and the protection of safe, attractive and quiet neighborhoods. The proposal is consistent with these purposes.

3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* There are no specific redevelopment plans or urban design guidelines that apply to this parcel.

4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The proposed development will exceed the applicable standards of Section 544.

5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.

6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* No adverse impacts on public health, safety or welfare are anticipated.

7. *There is a public need for such use at the proposed location.* The City has been working for a number of years to develop medium-density housing on this site.

8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement shall be met and is guaranteed through the conditions included in the proposed resolution.

Part 3 - Variance:

The applicant has requested a variance from Subsection 514.11, Subd. 2 to increase building coverage from the permitted 35 percent to 39.4 percent. The findings necessary to approve a variance are as follows (Subd. 547.11):

1. *There are "practical difficulties" that prevent the property owner from using the property in a reasonable manner.* The residential product that is proposed, single-level living, is in high demand and is largely unavailable in the community. In order to provide adequately-sized units, in a single-living format, that also meets the City's density requirements, this development needs to cover more space than is generally permitted. Considering that one of the City's goals is to provide a variety of housing products, it is reasonable to consider an exception to make that possible.
2. *There are usual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.* Rules regulating cluster home developments were developed in 1996, but have only been tested once with a development constructed in 2004. Such a small sample size makes it difficult

for City staff to gauge whether or not the rules are reasonable and appropriate. This is not fault of the applicant.

3. *The variance would not alter the character of the neighborhood or the locality.*
The proposed increase in lot coverage is relatively small and would not alter the character of the neighborhood. The proposal does not overwhelm the site.
4. *The variance is the minimum necessary to alleviate the practical difficulty.*
The proposed variance is the minimum necessary to allow construction of the proposed single-level living units. A reduction in the square footage would reduce the marketability/viability of the units.
5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.* The proposed plans provide the type of housing envisioned for this site.

CERTIFICATE OF SURVEY

~for~ G.M.H.C.

~of~ 2517 76TH STREET W.
RICHFIELD, MN 55423

PROPERTY DESCRIPTION:

That part of the East Three Quarters of the Southeast Quarter of the Southeast Quarter of Section 32, Township 28, Range 24, described as beginning at the northwest corner of said East Three Quarters of the Southeast Quarter of the Southeast Quarter; thence east along the north line of said Southeast Quarter of the Southeast Quarter, 170 feet; thence south parallel with the west line of said East Three Quarters of the Southeast Quarter of the Southeast Quarter, 258 feet; thence west parallel with the north line of said Southeast Quarter of the Southeast Quarter; thence north along said west line of the East Three Quarters of the Southeast Quarter of the Southeast Quarter to the point of beginning, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 3/18/2015.
- Bearings shown are on Hennepin County datum.
- Curb shots are taken at the top and back of curb.
- Property description and street easement per Title Insurance Policy No. OX08002750, prepared by Old Republic National Title Insurance Company and dated effective on December 27, 2010.
- Benchmark: MNDOT Geodetic Control Station 2785 BH. Elevation = 844.05 feet. (NAVD 88 datum)
- Parcel ID No: 32-028-24-44-0001.

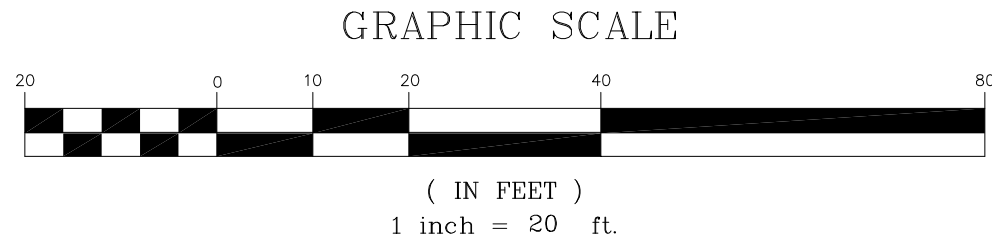
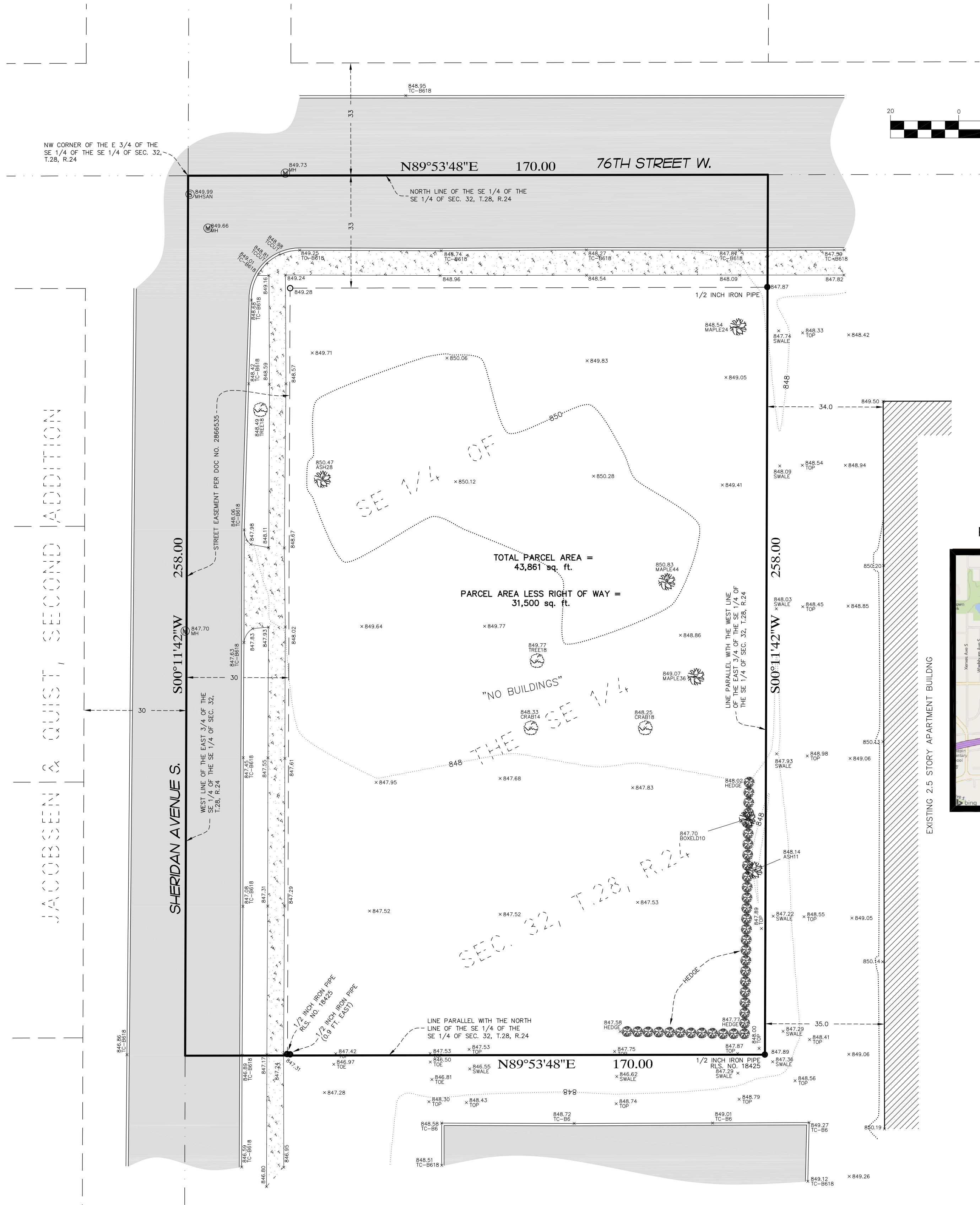
LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES MISCELLANEOUS MANHOLE
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- ▨ DENOTES CONCRETE SURFACE
- ▩ DENOTES BITUMINOUS SURFACE

TREE DETAIL

- ⌵ DENOTES ELEVATION
- ⌵ DENOTES TREE QUANTITY
- ⌵ DENOTES TREE SIZE IN INCHES
- ⌵ DENOTES TREE TYPE

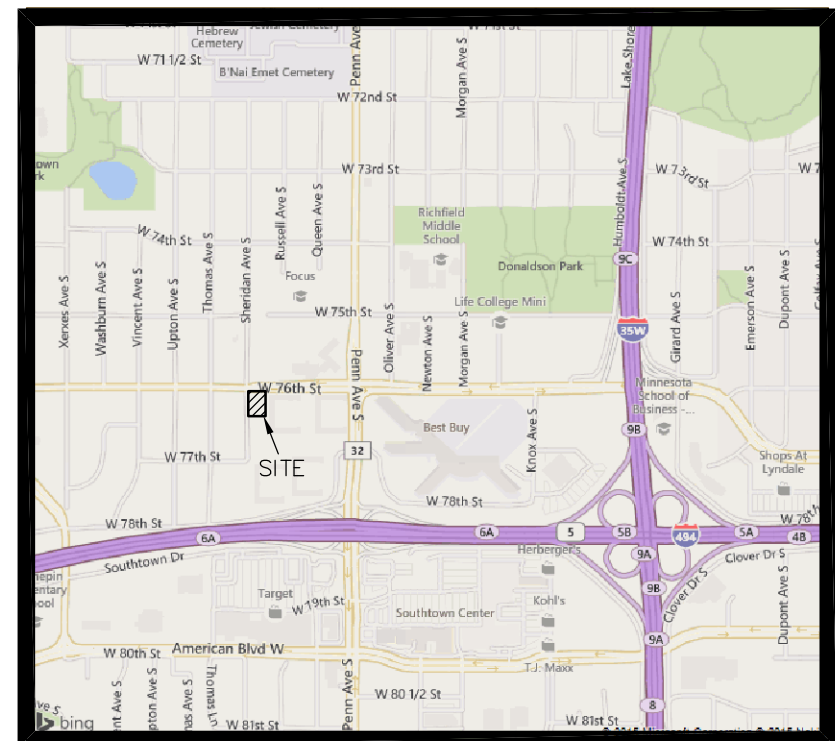
E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701



NORTH

VICINITY MAP

PART OF SEC. 32, TWP. 28, RNG. 24



HENNEPIN COUNTY, MINNESOTA
(NO SCALE)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
JASON E. RUD

Date: 3/23/2015 License No. 41578

DRAWN BY:	BAB	JOB NO:	15131PP	DATE:	3/19/15
CHECK BY:	JER	SCANNED	<input type="checkbox"/>		
1					
2					
3					
NO.	DATE	DESCRIPTION		BY	

PRELIMINARY PLAT OF:
SHERIDAN VILLAS ADDITION

OWNER/DEVELOPER:
G.M.H.C.
15 S. 5TH STREET
SUITE 710
MINNEAPOLIS, MN 55402

EXISTING PROPERTY DESCRIPTION:

That part of the East Three Quarters of the Southeast Quarter of the Southeast Quarter of Section 32, Township 28, Range 24, described as beginning at the northwest corner of said East Three Quarters of the Southeast Quarter of the Southeast Quarter; thence east along the north line of said Southeast Quarter of the Southeast Quarter, 170 feet; thence south parallel with the west line of said East Three Quarters of the Southeast Quarter of the Southeast Quarter, 258 feet; thence west parallel with the north line of said Southeast Quarter of the Southeast Quarter, 170 feet to the west line of said East Three Quarters of the Southeast Quarter of the Southeast Quarter to the point of beginning, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 3/18/2015.
- Bearings shown are on Hennepin County datum.
- Property description and street easement per Title Insurance Policy File No. 61302, prepared by Old Republic National Title Insurance Company and dated effective on April 27, 2015.
- Benchmark: MNDOT Geodetic Control Station 2785 BH. Elevation = 844.05 feet. (NAVD 88 datum)
- Existing Parcel ID No: 32-028-24-44-0001.
- City of Richfield Zoning Map dated October 2014 indicates this parcel is currently zoned R (Single Family).
- Proposed Site Plan and ponding provided by others.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES SANITARY SEWER
- ⊕— DENOTES STORM SEWER
- |— DENOTES WATER MAIN
- GAS— DENOTES UNDERGROUND GAS LINE
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE

PROPOSED LOT AREAS

LOT	BLOCK	AREA (SQ. FT.)
1	1	7,445
2	1	5,680
3	1	5,682
4	1	5,682
5	1	6,562
RIGHT OF WAY		12,810
TOTAL SITE		43,861

LOT COVERAGE PERCENTAGE

Total area of proposed Lots 1-5 = 31,051 sq. ft.
Area of proposed building foundation = 12,246 (39.4%)

DENSITY CALCULATION:

Future Block 1 = 31,051 sq. ft.
5 Proposed Units = 7.01 units per acre

E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

PENN LAKE
TERRACE
1ST ADDITION

PIN No. 32-028-24-41-0032
Owner: Ghidai Zedingle Et Al
Address: 7544 Sheridan Ave. S.

PIN No. 32-028-24-41-0064
Owner: Two Talents, LLC
Address: 7545 Sheridan Ave. S.

ST. RICHARDS
ADDITION

GRAPHIC SCALE

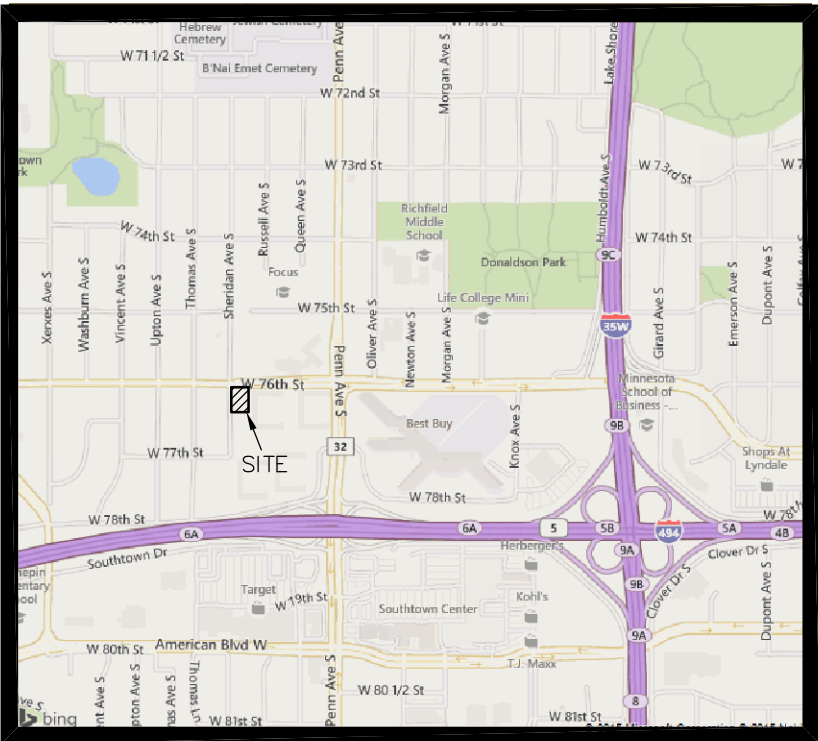


(IN FEET)
1 inch = 20 ft.

NORTH

VICINITY MAP

PART OF SEC. 32, TWP. 28, RNG. 24



HENNEPIN COUNTY, MINNESOTA
(NO SCALE)

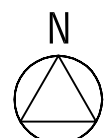
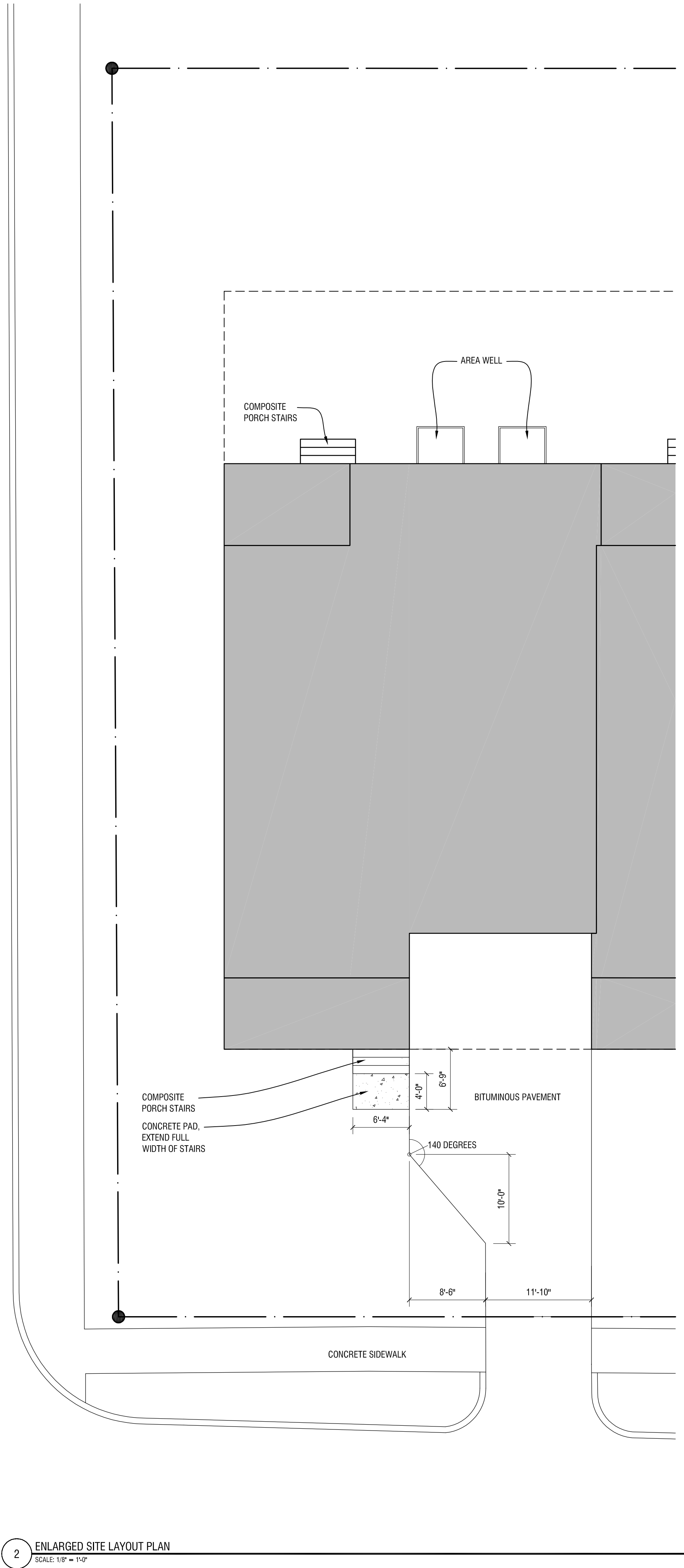
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
JASON E. RUD

Date: 6/5/2015 License No. 41578

DRAWN BY: BAB	JOB NO: 15131PP	DATE: 5/13/15
CHECK BY: JER	SCANNED <input type="checkbox"/>	
1	6/5/15	CITY COMMENTS
2		
3		
NO.	DATE	DESCRIPTION
BY		

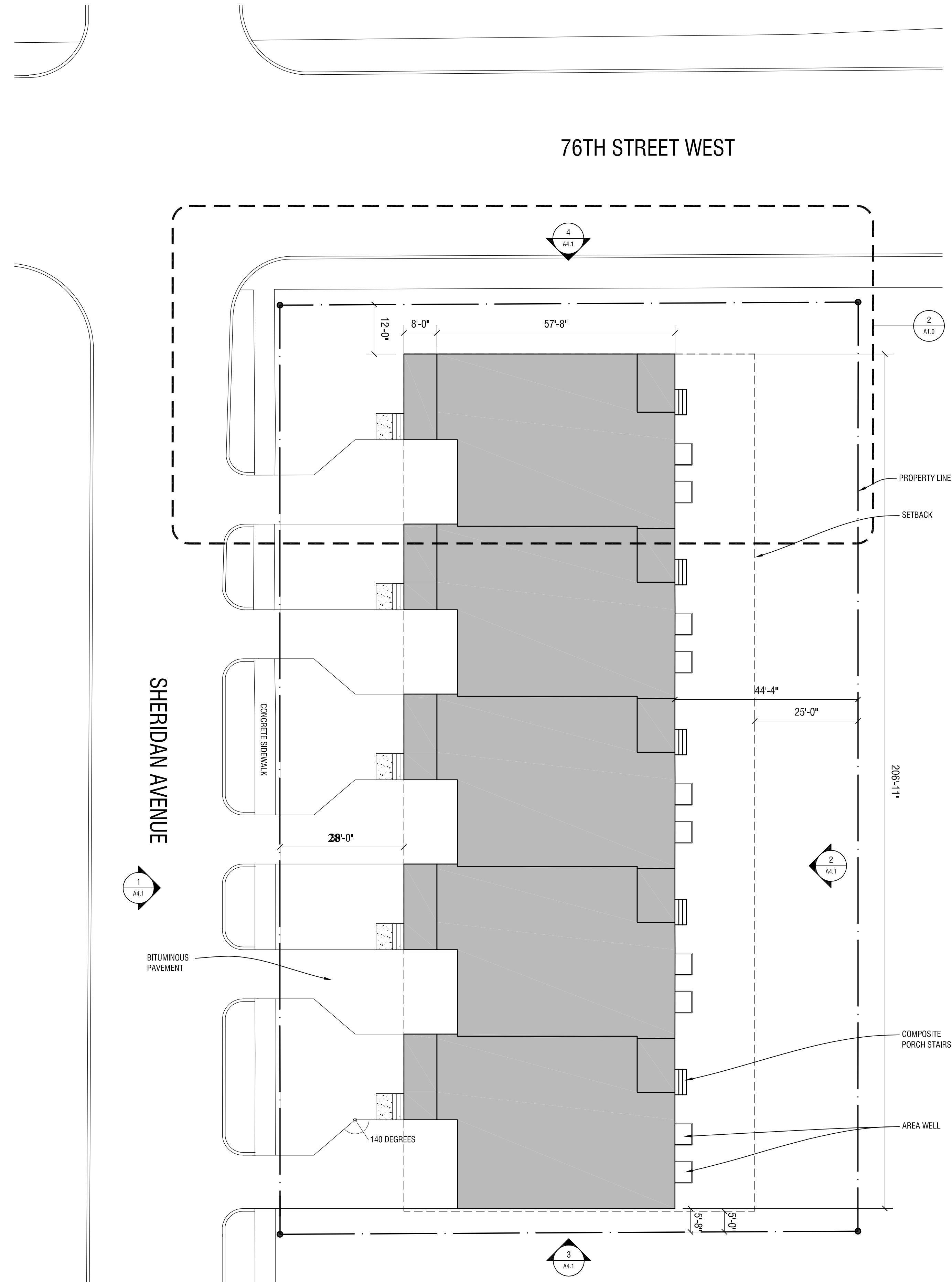
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1

SITE LAYOUT PLAN

SCALE: 1/16" = 1'-0"



SITE LAYOUT PLAN

SHERIDAN VILLAS

2517 WEST 76TH STREET

RICHFIELD, MINNESOTA 55423

REVISIONS

DATE ISSUED 05.18.2015

JOB NO. 1426

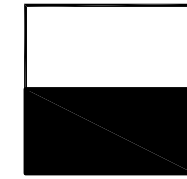
FILE NAME 1426-A1.0.dwg

A1.0

GMHC
The Greater
Metropolitan Housing Corp.

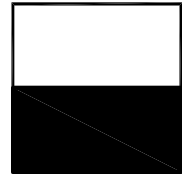
NOT FOR
CONSTRUCTION

I hereby certify that this plan, specification
or report was prepared by me or under my
direct supervision and that I am a duly
registered Architect under the laws of the
State of Minnesota.



CERMak RHOADES
ARCHITECTS

275 East Fourth Street, Suite 800, St. Paul, MN 55102
P 651.225.8623 F 651.225.8720
WWW.CERMakRHOADES.COM



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

NOT FOR
CONSTRUCTION

GMHC
The Greater
Metropolitan
Housing Corp.

EXTERIOR ELEVATIONS

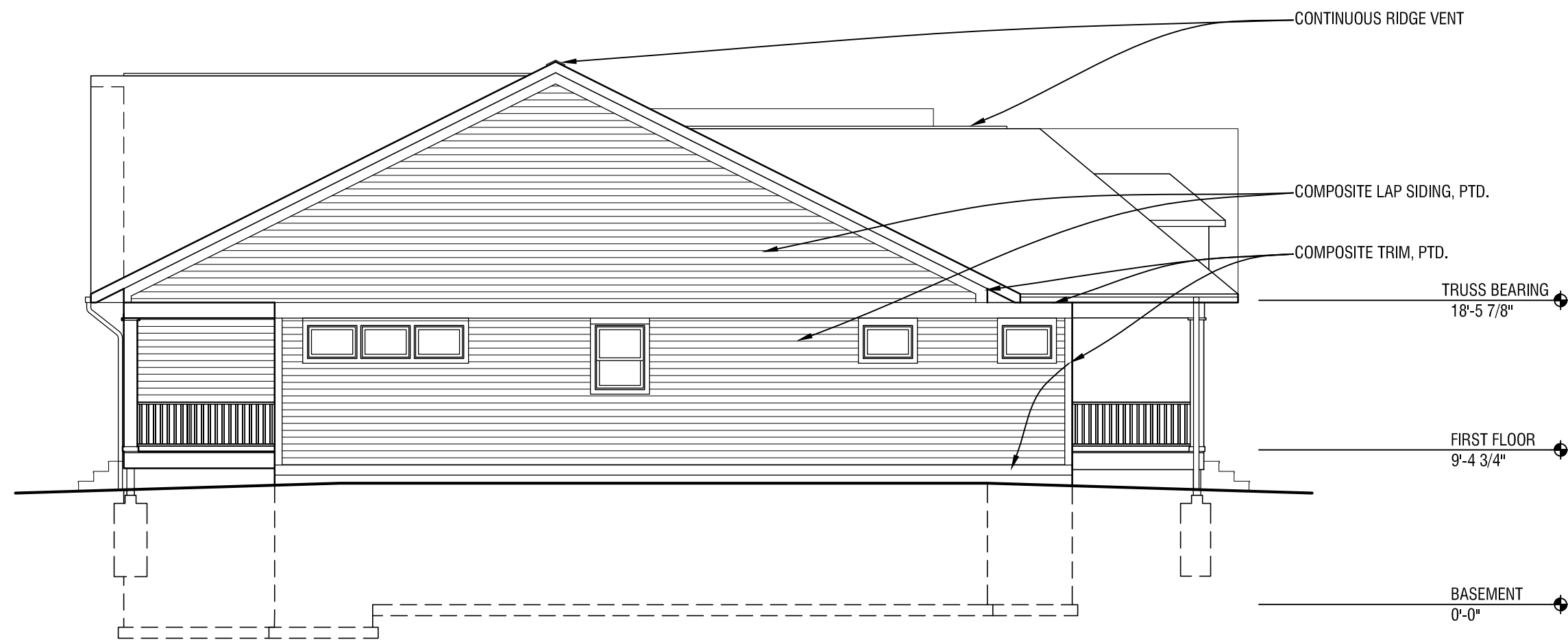
SHERIDAN VILLAS

2517 WEST 76TH STREET
RICHFIELD, MINNESOTA 55423

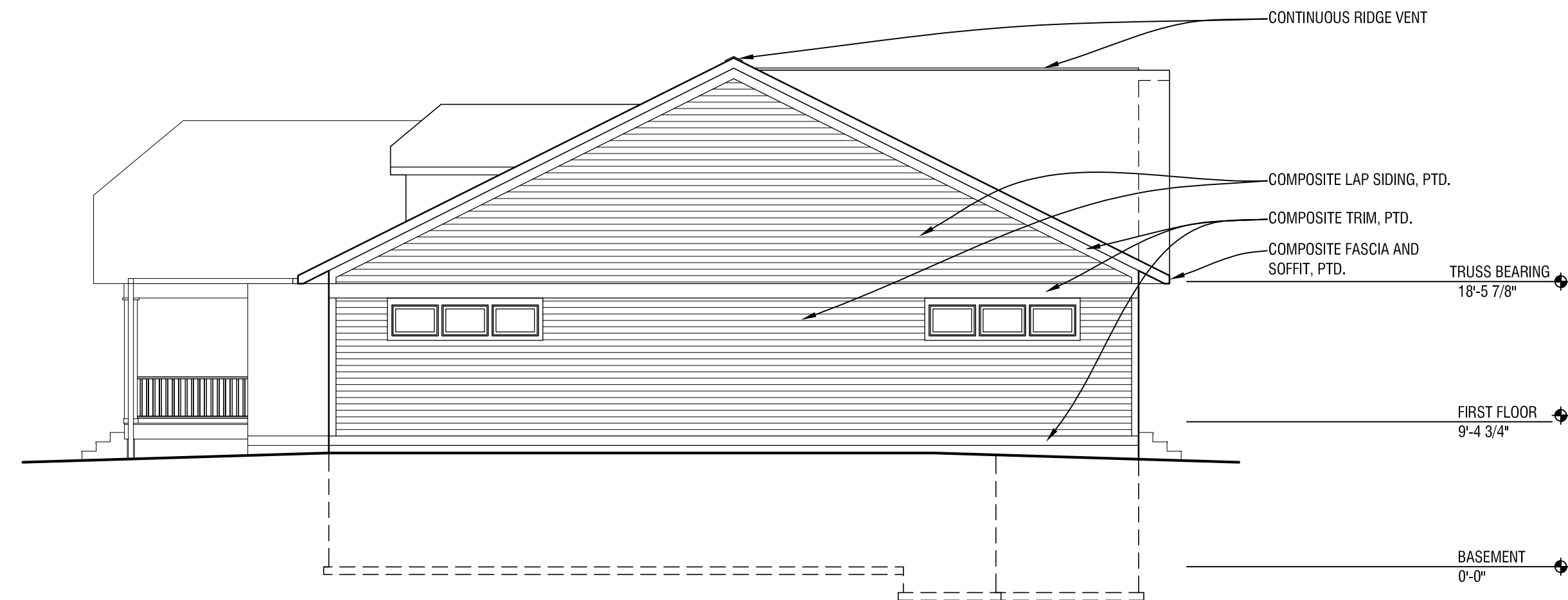
REVISIONS

DATE ISSUED 06.02.2015
JOB NO. 1426
FILE NAME 1426-A4.1.dwg

A4.1



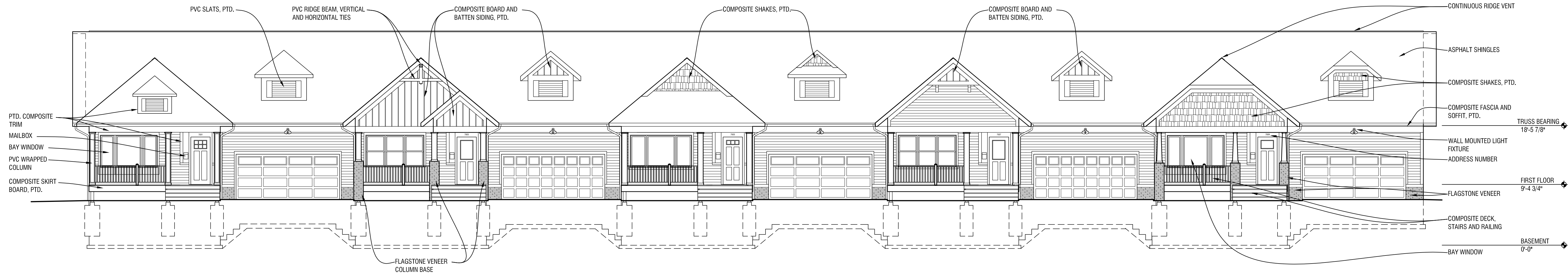
4 EXTERIOR NORTH ELEVATION
1/8" = 1'-0"



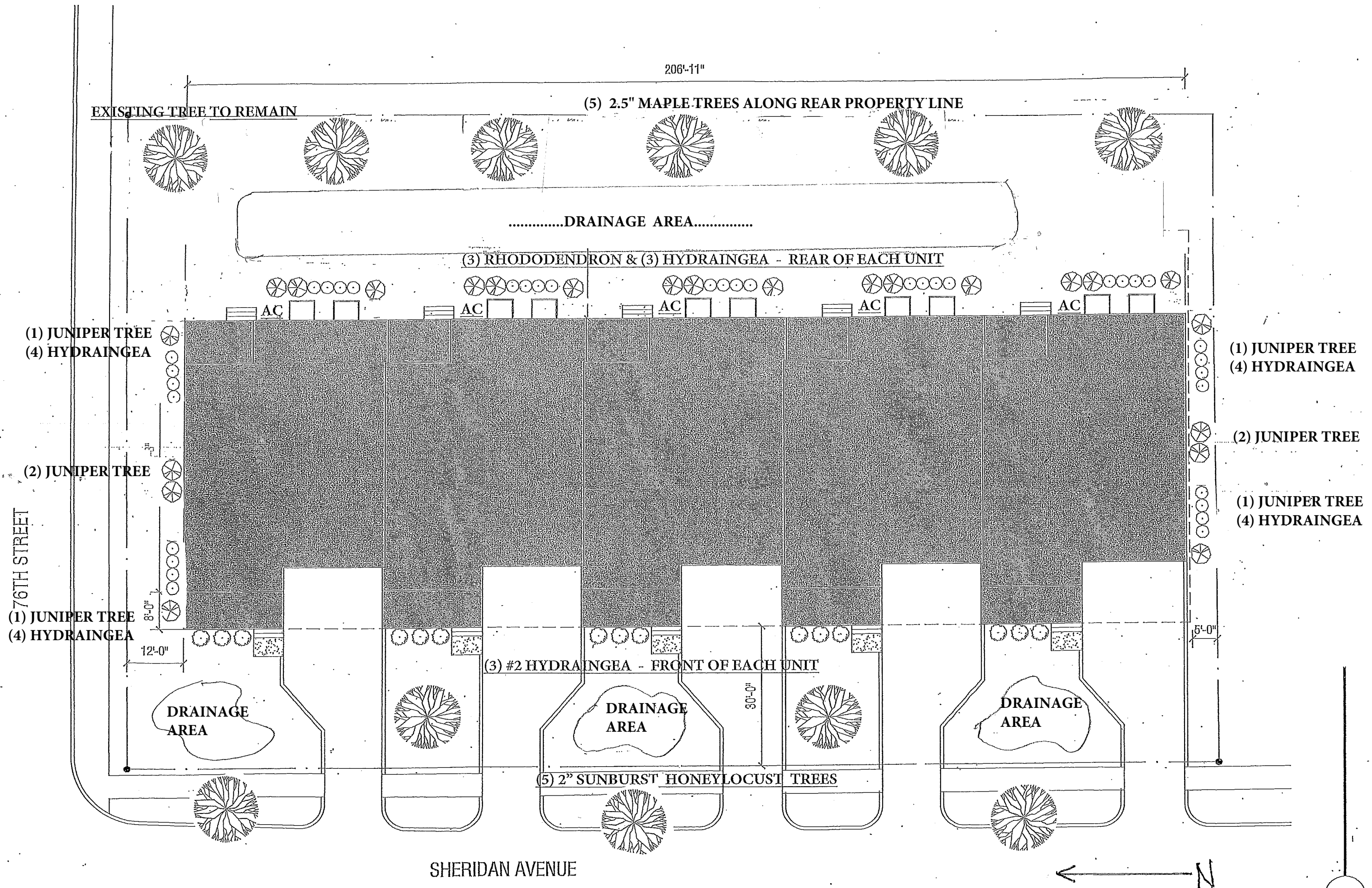
3 EXTERIOR SOUTH ELEVATION
1/8" = 1'-0"



2 EXTERIOR EAST ELEVATION
1/8" = 1'-0"

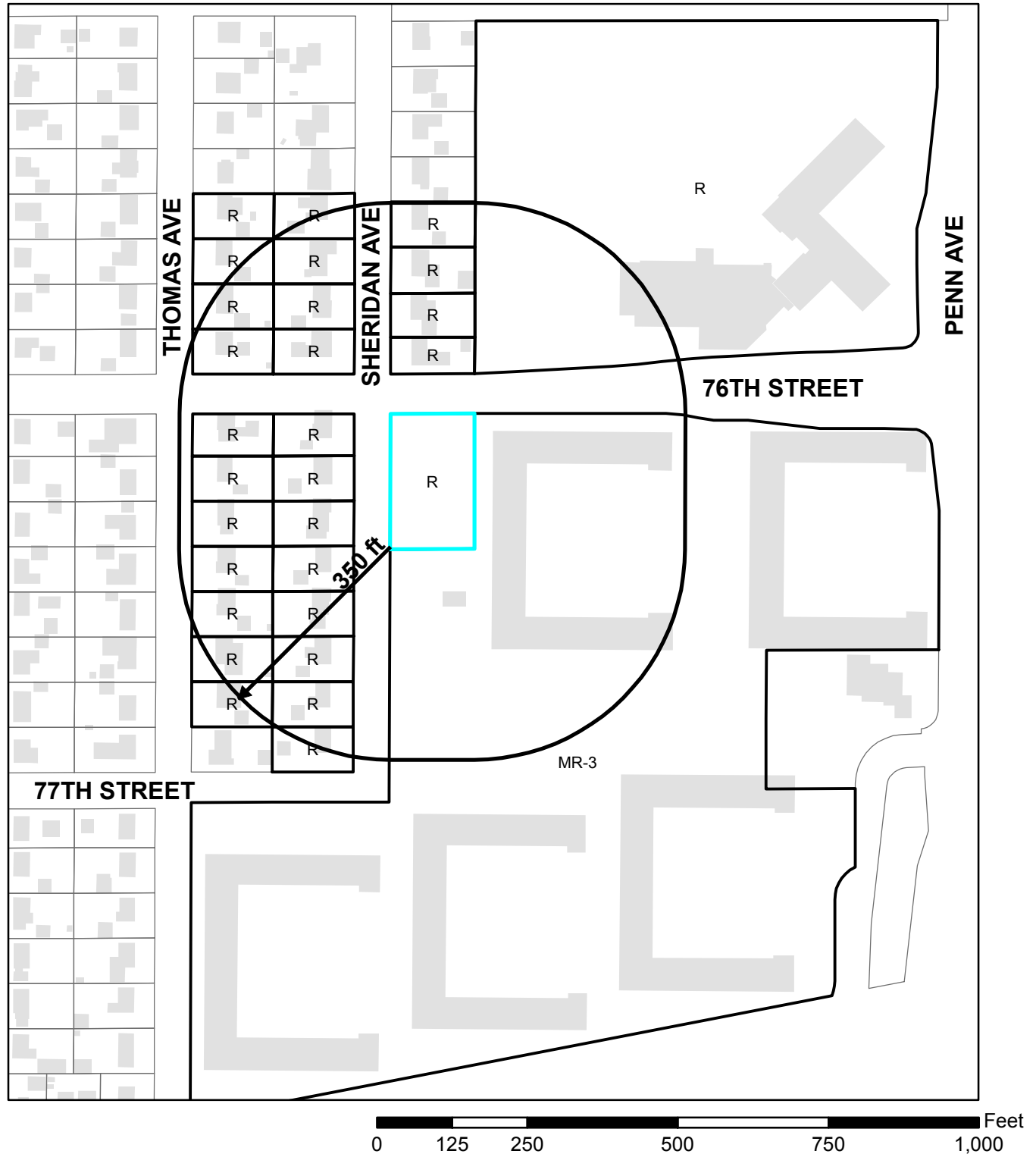


1 EXTERIOR WEST ELEVATION
1/8" = 1'-0"



2517 W 76th Street - CUP 7/2015

Surrounding Zoning

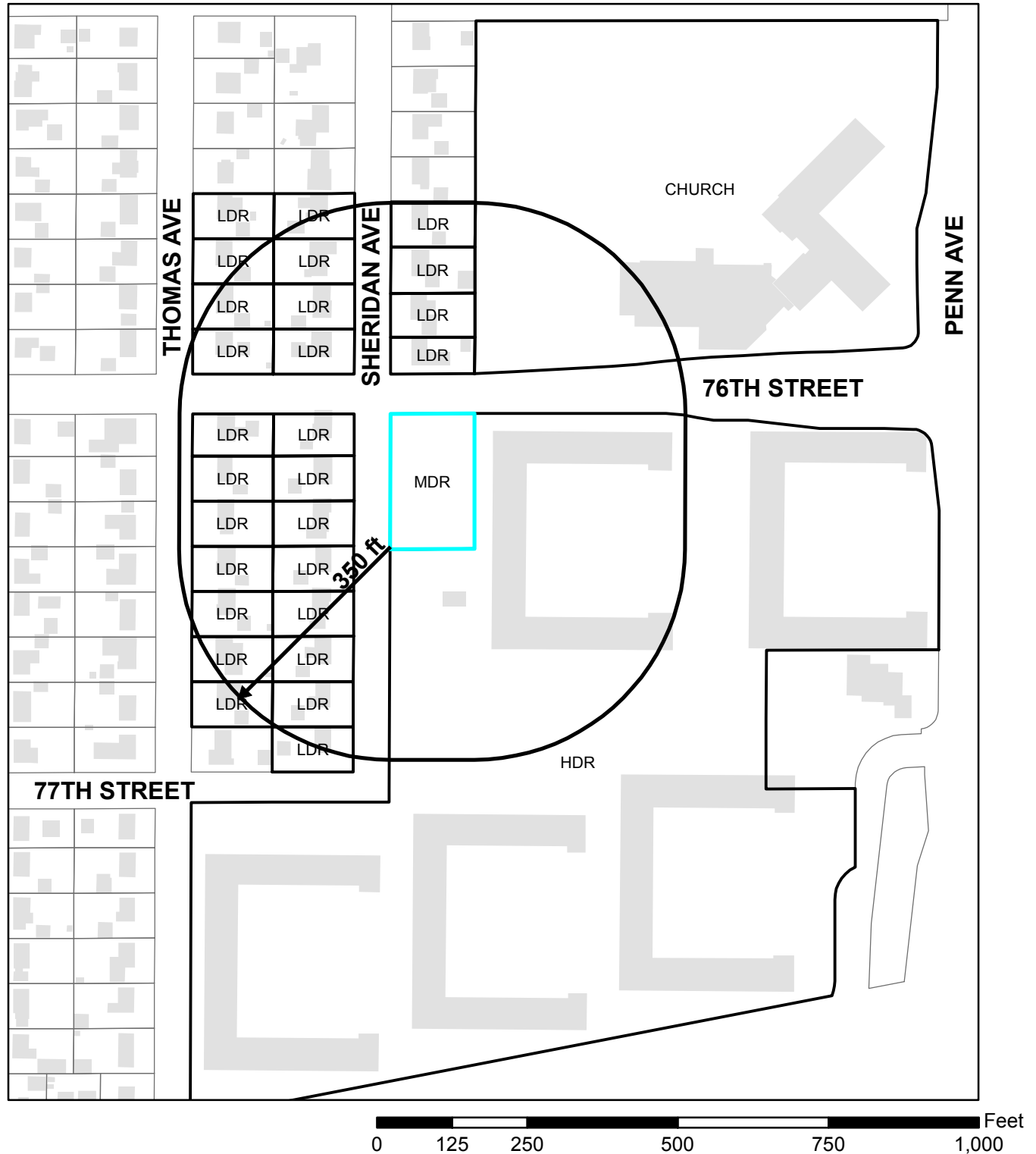


MR-3 - High Density Multi-Family Residential
R - Single Family Residential



2517 W 76th Street - CUP 7/2015

Surrounding Comprehensive Plan



HDR - High Density Multi-Family Residential
MDR - Medium Density Residential
LDR - Low Density Residential
CHURCH - Church

